

**AN ORDINANCE**

**04-O-0317**

**BY COUNCIL MEMBER C. T. MARTIN**

**AS SUBSTITUTED BY**

**COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE**

**AN ORDINANCE TO AMEND SECTION 158-109 OF THE TREE PROTECTION ORDINANCE OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE EXEMPTION FOR REMOVAL OF ONE (1) HAZARDOUS TREE BY EACH PROPERTY OWNER; AND FOR OTHER PURPOSES.**

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS** as follows:

**SECTION 1.** Subsection (1) of Section 158-109 is hereby amended to read as follows:

"Sec. 158-109. Exemptions.

The following are exempted from the terms of this article:

(1) When the parks arboricultural manager or city arborist finds any tree to present hazard or danger to the health, safety and welfare of the public, such tree may be removed immediately by the owner or the owner's agent upon verbal authorization by the parks arboricultural manager or city arborist. No permit is required. **A property owner or the owner's agent shall at his or her discretion remove one (1) hazardous or dangerous tree on his/her property with no permit or verbal authorization required.**

(2) During the period of any emergency, such as a tornado, ice storm, flood or an other act of nature, the requirements of this article may be waived by the mayor and the mayor's designee.

(3) All licensed plant or tree nurseries and tree farms shall be exempt from the terms and provisions of this article only in relation to those trees which are planted and are being grown for sale or intended sale to the general public in the ordinary course of business, or for some public purpose. All licensed tree museums or public botanical gardens which employ a full-time arborist or horticulturist, and which are located upon property owned by the city and leased to such tree museums or botanical gardens and are growing for display to the public in furtherance of the museums and botanical gardens, or for some other public purpose."

**SECTION 2.** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.